

GAU 3651  
#7  
Election  
4/18/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: David B. Whitten, et al.  
Serial No.: 09/935,935  
Filing Date: August 23, 2001  
Examiner: Tran, Khoi H.  
Group Art Unit: 3651  
Title: METHOD AND SYSTEM FOR ACCOMPLISHING PRODUCT  
DETECTION

RECEIVED

APR 16 2003

GROUP 3600

Commissioner for Patents  
Washington, D.C. 20231

Certification Under 37 C.F.R. 1.8

Date of Mailing: April 7, 2003

I hereby certify that I have caused the documents indicated herein to be deposited with the United States Postal Service to Addressee under 37 CFR § 1.8 on the date indicated above and addressed to Commissioner for Patents, Washington, D.C. 20231 and mailed on the above Date of Mailing.

*Rebecca J. Morrison*  
Rebecca J. Morrison

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Dear Sir:

Applicants hereby respond to the Office Action mailed March 6, 2003. This Response is made within the shortened statutory period and, therefore, no additional fee is required.

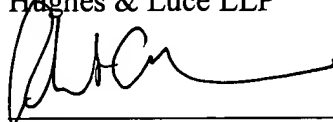
Applicants appreciate the time and effort by the Examiner in reviewing this application. In the Action, the Examiner alleges that the application contains claims directed to two (2) inventions. Restriction to one of the following inventions is required under 35 U.S.C. 121: (1) Claims 2-15, 34, 36, 37 and 44 are drawn to a vending system, classified in class 221, subclass 2, or class 700, subclass 231; and (2) Claims 16-29, 35, and 38-43 are drawn to a vending method for determining whether a product is delivered, classified in class 221, subclass 21, or class 700, subclass 244. By the Action, Applicants are required under 35 U.S.C. 121 to elect a single disclosed species for prosecution.

Accordingly, Applicants hereby elect Claims 2-15, 34, 36, 37 and 44 and respectfully traverse the examiner's assertion that two inventions are present. Applicants reserve the right to file Divisional applications on the non-elected invention.

Applicants further elect Species II, the embodiment having the optical sensing arrangement per figure 7, and wherein the delivery of all products is prevented if a vending product is not detected. However, Applicants respectfully submit the optical sensing arrangement per figure 1, a flowchart, encompasses the optical sensing arrangement contemplated per figure 7.

It is believed no fee is due with this transmission, however, should a fee be determined due with this transmission, the Commissioner is authorized to debit Hughes & Luce LLP Deposit Account No. 50-1343.

Respectfully submitted,  
Hughes & Luce LLP



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Robert A. McLauchlan  
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ATTORNEY FOR APPLICANTS

Dated: April 7, 2003

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